

**REMARKS**

Claims 3-10, 17-20, 64, and 65 are pending herein, pursuant to amendments of claims 3, 17, 64, and 65 and cancellation of claims 12-14, 16, and 22, all to further the prosecution of this case and hereby submitted without prejudice and without acquiescence. Applicants reserve the right to pursue cancelled and amended subject matter in subsequent prosecution.

**Information Disclosure Statement**

The Examiner states that the PTO Form 1449 submitted on December 16, 2003 purportedly omits the citation of McDonnell being corrected therein and that the 1449 only cites Deng et al. and Fuqua et al.

Applicants clarify that the particular PTO Form 1449 that cites only Deng et al. and Fuqua et al. is in fact the Supplemental IDS, which is noted on the accompanying transmittal letter that precedes it. The corrected resubmission of the IDS of October 29, 2002 having the error for McDonnell was also submitted in the documents filed on December 16, 2003. Applicants regret any confusion regarding this issue.

**Issues under 35 USC §112, paragraph 1**

Claims 64 and 65 are rejected under 35 USC §112, paragraph 1 for allegedly containing new subject matter. Applicants amend the claims herein to further the prosecution of this case. As such, Applicants assert that the rejection is now moot and respectfully request removal of the rejection.

Claims 3, 4, 10, 17, 18, 19, 20, 64, and 65 are rejected under 35 USC §112, paragraph 1 for allegedly not being enabled for diagnosing breast cancer and methods of classifying same. Applicants respectfully disagree but amend the respective claims as set forth above to further the prosecution of this case.

**Issues under 35 USC §103**

Claim 22 is rejected as allegedly being unpatentable over Kimoto in view of Strategene Catalog. Applicants respectfully disagree but cancel the claim herein to further the prosecution of this case.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02102US2 from which the undersigned is authorized to draw.

Dated:

*April 7, 2004*

Respectfully submitted,

By *Melissa L. Sistrunk*

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